


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: September 12, 1997

SUBJECT: Halibut Management Issues

ESTIMATED TIME 2 HOURS

ACTION REQUIRED

- (b) Review discussion paper for local halibut management plans.
- (c) Final action on regulatory amendment for Sitka Sound Local Area Halibut Management Plan.
- (d) Initial Review of regulatory amendment to revise halibut possession limit regulations.

BACKGROUND

Local Area Plans

In September 1996, the Council began developing a regulatory amendment to implement a Sitka Sound management plan recommended by the Sitka Fish & Game Advisory Committee Halibut Task Force. The Alaska Board of Fisheries forwarded the Committee's final recommendations to the Council in February 1997. The initiative may be divided into two parts: (1) a general framework for considering local area management plans; and (2) a specific plan for Sitka Sound. Discussion of the first part is provided in Item C-4(b)(1) where various criteria and procedures are described for review of local area plans. That discussion is intended to lead to development of a protocol for use with any proposed local plan. Item C-4(b)(2) contains additional proposals for local area halibut management plans for Cook Inlet, Prince William Sound, Unalaska Bay, and the entire GOA and BSAI. Note that some of these proposals appear to be aimed specifically at either subsistence or IFQ fisheries; however they are included here because they appear to also relate to local area management issues.

The second part is treated separately in a draft EA/RIR which, if adopted, would implement the specific recommendations of the Halibut Task Force proposal for Sitka Sound. The revised EA/RIR was mailed to you on September 12, 1997, and is discussed further below.

Sitka Sound Local Area Plan

The Sitka Sound local area plan culminates community debate since 1995 to resolve user conflicts resulting from the apparent decline in halibut in Sitka Sound. In May 1995, the Sitka Halibut Task Force unanimously agreed to a statement of findings and a list of voluntary actions. The Task Force was re-formed in 1997 in response to Proposal 270 submitted by the Sitka Tribe of Alaska to the Board last February. Proposal 270 recommended stopping the harvest of halibut, ling cod, rockfish and other bottomfish in the Sitka Sound area because of commercial and charterboat overharvest. The Board then created a Sitka Sound Special Use Area for ling cod.

Rockfish are already protected in Sitka Sound. The Board, however, could not implement a local halibut plan because the State lacks jurisdiction over halibut under the Northern Pacific Halibut Act of 1982. Thus, the BOF referred the recommendations to the Council, which does have management jurisdiction.

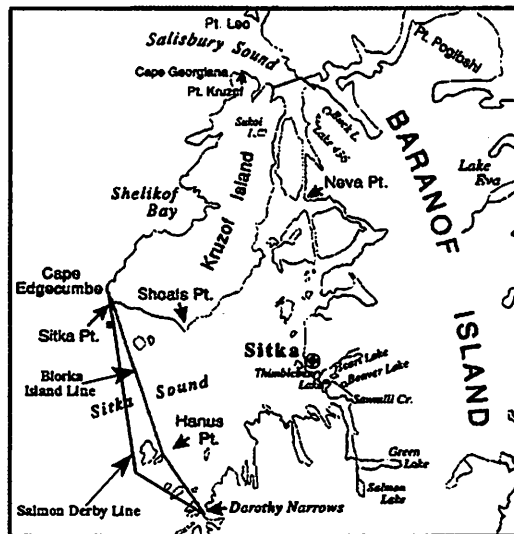
The Task Force met again prior to the June 1997 Council meeting to resolve remaining issues on halibut retention by the charter and salmon commercial troll fisheries in the Sitka Sound closed area. It reaffirmed the February 1997 agreement and requested that the Sitka advisory committee be updated annually on commercial and sportfish halibut harvests in Sitka Sound. Note that provision 3 of alternative 2 of the February 1997 Council motion (shown below), which attempts to incorporate Item 8 of the Halibut Task Force recommendation, now differs from Item 8 because the Council is prohibited from discriminating between residents of different states. The Task Force clarified that 'non-resident' in Item 8 referred to non-Sitka residents.

The proposed Sitka Sound plan would close most of the Sound to commercial halibut fishing by freezer vessels, commercial vessels larger than 35 ft, and halibut charterboats. Commercial vessels less than or equal to 35 ft would be limited to 1,000 lb of halibut per trip. Subsistence, personal use, and unguided sport fishermen would continue to harvest halibut in the Sound. In June 1997, the Council released the EA/RIR on this issue to the public, with the addition of a management suboption that would allow only Sitka residents to fish for halibut within the Sound. The alternatives included in the analysis are:

- Alternative 1. Status Quo. Do not develop a local area management plan for Sitka Sound.
- Alternative 2. Create a local area management plan for Sitka Sound with the following provisions:

- (1) Halibut longliners larger than category "D" (> 35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundary on the South.
- (2) Halibut longliners in the category "D" would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. (14450 Loran Line) and from Hanus Pt. to the Green Marker in Dorothy Narrows and Across to Baranof Islands in the South in June, July, and August (Figure 1). 1,000-pound trip limit in this area during the time it is open. Halibut catch in Sitka Sound will be monitored for growth rate.
- (3) Inside the same areas defined for the category "D" longliners during the months of June, July, and August, fishing for halibut would only be allowed by: (a) personal use fishery; (b) subsistence fisheries; and/or (c) non-guided sport fishery

Suboption: Allow personal use, subsistence, or non-guided sport fishery during June, July, and August for Sitka residents only.



Commercial halibut boats using the proposed closed area increased from 57 to 74 vessels between 1995 and 1996. At the end of 1995, 324 Sitka residents held over 1.7 million lb of halibut IFQ, valued at \$3.0 million. Because of liberalized sweep-up and fish-down allowances, fewer QS holders and vessels are currently active in the fishery. Alternative 2, Part 3, Suboption would benefit the 8,632 residents of Sitka.

Alternative 2 would displace from the closed area approximately 29 commercial category A-C vessels which harvested approximately 106,000 lb of halibut worth \$190,000 ex-vessel in 1996. Around 45 category D vessels would be limited to 1,000 lb of halibut per trip inside the proposed area during the IFQ season, except for June, July, and August when they would be prohibited from fishing inside closed waters with a less restrictive southern boundary (Biorka Island line) than larger commercial vessels (salmon boundary line). The trip limit would have no effect on roughly 32 of the 45 category D vessels harvesting halibut during 1996. Thirteen category D vessels may be required to take multiple trips to harvest their IFQs in the Sound. Up to 61,000 lb of halibut valued at \$173,000 are fished on category D vessels.

Approximately 200 charterboats would have the same closed water boundary as commercial category D vessels during June, July, and August. The Sitka guided halibut harvest of 13,400 fish in 1995 generated estimated gross revenues of \$1,036,800 and total spending of over \$2 million. Alternative 2 may result in approximately 6,000 fewer halibut removed by charter anglers from Sitka Sound; roughly 176,000 lb at 29 lb/fish net weight. These fish still may be intercepted as they enter the Sound, if fishing activity shifts to Salisbury Sound and along the western side of Kruzhof and Baranof islands.

Some effects of Alternative 2 remain unknown: (1) the amount of category A-C IFQs that might be harvested in other statistical areas or landed in other ports; (2) whether the 1,000 lb trip limit would reduce removals from the Sound or just further slow the pace of fishing effort; and (3) the effect of greater running time to fishable waters outside the Sound on charterboat client bookings; (4) future resolutions of halibut subsistence may affect the current agreement.

Possession Limits

The Council has initiated this analysis to review the halibut possession limits for Alaska as a result of three requests: (1) a proposal submitted by the Alaska Longline Fishermen in 1993 to limit the guided halibut sport fishery and is an offshoot management action to proposed action to limit the halibut charterboat fishery; (2) a letter submitted by the Valdez Charterboat Association to the International Pacific Halibut Commission to increase the guided and non-guided sportfish bag limit for Pacific halibut from the current 2 fish per day and 4 fish in possession, to 3 fish per day and 6 in possession to allow the sport fishery to mirror the 36% increase in harvests projected for the 1997 commercial fishery; and (3) a motion by the Council representative from the State of Washington to revise the federal possession limit language to mirror revisions to Washington State regulations and IPHC regulations for landings 'on land.' State of Alaska regulations for halibut apply at-sea and on land.

Critical to the Council's review of this management issue is an understanding that policy as well as regulations are being reexamined. The NMFS Alaska Enforcement Division, ADF&G and the Department of Public Safety, Division of Fish and Wildlife Protection have found the current halibut possession limit to be unenforceable since federal policy on the meaning of 'possession.' is not clearly defined. If the Council intends the possession limit to extend until an angler has transported the harvested fish to the primary residence, the regulations describing 'possession' need to be revised under Alternative 2. If the Council intends that the current or potentially revised possession limits apply on land as well as at sea, a recommendation to the IPHC to revise the regulations needs to be approved under Alternative 2. The regulations may also require revision under Alternative 2 if the Council wishes to revise the intent of the possession limit so that it applies to halibut in any condition. Currently, 'processed' includes freezing; so long as halibut are frozen, an unlimited amount of halibut may be legally taken.

And lastly, if the Council intends that multiple possession limits are legal, it may intend to limit those harvests under an annual possession limit under Alternative 3. ADFG survey data indicate that 43% of anglers harvested two or fewer halibut each year between 1990-95, and 73% harvested four or fewer. Without examining the costs associated with an angler's willingness to pay to harvest additional fish, the 4-fish possession limit appears to satisfy nearly $\frac{3}{4}$ of all sport halibut anglers.

This EA/RIR was distributed on September 11, 1997. The revised list of management alternatives are listed below:

- Alternative 1. Status Quo. Do not revise halibut possession limits in Alaska.

- Alternative 2.
 - (a) Redefine the current possession limit of two daily bag limits to require that the possession limit is in effect until all affected halibut *in any condition* are transported to the angler's place of permanent residence.
 - (b) Redefine halibut possession limits such that they also apply on land adjacent to federal waters off Alaska.

- Alternative 3. Redefine the halibut possession limit per angler per year to not exceed:
 - a) 4 fish;
 - b) 6 fish;
 - c) 8 fish;
 - d) 10 fish; or
 - e) 12 fish.

**DISCUSSION PAPER
for Halibut Local Area Management Plans**

In anticipation of additional local area management plan proposals, the Council may wish to develop minimum criteria prior to proposal review and analysis. Four new proposals for Cook Inlet, Prince William Sound, Unalaska Bay and the entire GOA and BSAI have been submitted to the Council in 1997. The Council was also notified that a proposal for Kodiak is forthcoming. Sixty of the 82 fish and game advisory committees are in areas with multiple halibut user groups and may also eventually wish to develop local halibut management plans.

The Council may wish to develop a protocol for receiving, reviewing, and developing proposed plans. Here are a few points to consider:

- Since the IPHC has acknowledged that no biological impacts on the halibut resource are evident and data are limited to quantify the economic effects of proposed management allocations on subsistence, commercial, sport, charter, and lodge, etc. sectors, only qualitative analyses of proposals may be possible. Potential effects on different sectors (e.g., sport, charter, lodge) are unquantifiable.
- Local area management plan proposals would be analyzed as an alternative to status quo. Other proposals for the same area may arise through public testimony.
- Subsequent proposals to modify a management plan may be submitted after major halibut allocation decisions by the Council (e.g., subsistence, charterboat management).
- Proposals for local area management plans may be submitted from:
 - (a) the local ADF&G advisory committee;
 - (b) members of the public;
 - (c) public request for Council to appoint a local area board to address identified issues;
 - (d) other mechanism.
- The Council may require certain criteria to approve a proposal for analysis:
 - (1) proposal must be approved by consensus of representatives of local commercial, sport, charter, and subsistence (and other?) organizations via local advisory committee/halibut task force or Council-appointed local working group.
 - (2) ample opportunity for public participation must have been afforded.
 - (3) agency staff must be contacted during development of proposal.
 - (4) plan must specifically address catch limits, possession limits, gear, closed areas, etc.
 - (5) local area plan must be submitted to the Council during its summer call for proposals.
 - (6) the Council will forward all proposals to its Halibut Plan Team (scientists) in September or staff will review prior to Council review. The Team or staff will forward its recommendations to the Council on the completeness of the proposal on issues such as:
 - (a) timeframe for the local area management plan (i.e., 3-5 years);
 - (b) biomass-based, seasonal or geographic allocations or restrictions;
 - (c) gear conflicts;
 - (d) bycatch.
 - (7) the Team will review proposals and provide recommendations to the Council.
 - (8) the Council receives Team report in December and tasks staff with analysis.
 - (9) initial review of analysis in April.
 - (10) final review in June.
 - (11) implementation for following calendar year;
 - (12) plan to be implemented for a period of 3-5 years.

The Council currently cannot delegate authority to the BOF for halibut management. But if a statutory change were approved, the BOF could manage local halibut issues, so long as there is no conflict with existing IPHC and Council management of Pacific halibut. The decision to proceed with a protocol to develop halibut local area management plans does not require an EA/RIR. This authority is already vested with the Council. However, if the Council wishes to delegate authority to the State of Alaska to manage halibut at the local level, the Council would need to request that the State Department begin discussions with Canada to revise the Northern Pacific Halibut Act to allow management authority to be granted to the states. Management choices the Council may wish to consider include:

Alternative 1. Status Quo. Do not develop halibut local area local area management plans.

International Pacific Halibut Commission staff report that quantitative evidence of localized depletion of halibut stocks does not exist. Small scale local depletion does not have a significant biological effect for the resource as a whole. Ultimately, counter migration and local movement tend to fill in areas with low halibut density, although continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas. Additionally, two attempts to deplete a localized area with a period of continuous fishing were unsuccessful (Geernaert et al. 1992, Kaimmer and Deriso 1988). The status quo alternative would not negatively affect the halibut resource.

Alternative 2. The NPFMC may develop halibut local area local area management plans proposed by:

- (a) the ADF&G local advisory committee;
- (b) individual member of the public;
- (c) public request for Council to appoint a local area board to address identified issues;
- (d) other mechanism.

The Council could require criteria listed above to be met prior to approving a proposal for analysis.

Alternative 3. Alaska Department of Fish and Game may develop halibut special management plans proposed by local advisory task forces under the direction of the Alaska Board of Fisheries.

The Board of Fisheries, through its local advisory committees/task forces, may be the appropriate management agency in which to effect local area management. State agencies will be a necessary component for enforcing these plans. A number of factors may prevent the State of Alaska from participating in monitoring and enforcement of halibut local management areas. Council approval of Alternative 2 in the halibut subsistence/personal use EA/RIR may result in a conflict with the State of Alaska Constitution. As a result, the ADF&G Subsistence Division and Department of Public Safety, Fish and Wildlife Protection may not be able to participate in monitoring and enforcement activities of special area plans if they include federal subsistence regulations. Additionally, ADF&G funding levels may constrain the agency from managing halibut locally.

A statutory change would be required to delegate management authority of halibut to the State of Alaska under Alternative 3. An amendment to the Northern Pacific Halibut Act would be required to authorize the State[s] of Alaska [and Washington, Oregon and California?] to regulate a fishing vessel fishing for halibut in the United States portion of Convention waters in the following circumstances: (1) the fishing vessel is registered under the laws of that State and the applicable State laws are consistent with IPHC regulations and applicable Federal fishing regulations; or (2) the applicable Federal fishing regulations delegate fishery management responsibilities to that State and the applicable State laws are consistent with IPHC regulations and applicable Federal fishing regulations. The language above is taken from the MSFCMA, as modified to fit Convention waters.

**HALIBUT MANAGEMENT PROPOSAL
INTERNATIONAL PACIFIC HALIBUT COMMISSION**

Proposed this 14th day of DECEMBER, 1996

Proposed by: DEEP CREEK CHARTERBOAT ASSN.
P.O. BOX 39423
NINILCHIK, ALASKA 99639
(907)567-3518

BRIEF STATEMENT OF PROPOSAL:

This proposal requests the commission to initiate a regulatory amendment for the area 3A halibut fishery which would close that area in Cook Inlet from a latitude line of Bluff Point to a latitude line of Spring Point and all waters north of this line in upper Cook Inlet to commercial fishing for halibut. Vessels D would be exempt from this closure because of safety concerns and their history of participation in the upper Cook Inlet halibut fishery.

OBJECTIVE OF PROPOSAL: (What is the problem?)

With the implementation of IFQ's and the ability for commercial vessels to fish whenever they choose between March 15 and November 15, this new competition for the halibut in the same area and at the same time fish are being harvested by recreational fishermen causes great concern that there is potential for localized stock depletion. Conflicts between commercial, recreational sport and guided sport anglers are also of great concern.

NEED AND JUSTIFICATION FOR COMMISSION ACTION: (Why can't the problem be resolved through other channels?)

The International Pacific Halibut Commission is the management body authorized to make area closures affecting the Alaskan halibut fisheries.

HALIBUT MGMT. PROPOSAL
INT'L. PACIFIC HALIBUT COMMISSION
PROPOSED BY DEEP CREEK CHARTERBOAT ASSN.
DECEMBER 14, 1996
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WHAT WILL HAPPEN IF NOTHING IS DONE?

Localized stock depletion and unnecessary user group conflicts. Vessel crew safety concerns.

WHO IS LIKELY TO BENEFIT?

Small boat halibut fleet and coastal communities.

WHO IS LIKELY TO SUFFER?

No one. Larger vessels typically have larger quotas and therefore fish further offshore.

OTHER SOLUTIONS CONSIDERED:

NONE

SIGNED THIS 14TH DAY OF DECEMBER, 1996

Timothy R. Evers

TIMOTHY R. EVERS
PRESIDENT
DEEP CREEK CHARTERBOAT ASSOCIATION

Halibut Management Proposal International Pacific Halibut Commission

12/14/96

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Proposed by:

**Valdez Charter Boat Association
P.O. Box 2850
Valdez, Alaska 99686
Contact ph. # 907- 479-5562**

Brief Statement of proposal:

This proposal requests the commission to initiate a regulatory amendment for area 3A halibut fishery which would close that area of Prince William Sound, within the 3 mile limit from Cape Puget to Point Bentinck and to include Seal Rocks and inclusive of all waters of Prince William Sound to commercial fishing of halibut. Vessels "D" would be exempt from this closure because of safety concerns. Impacts to sportsfishing was never once considered in the research and development and implementation of IFQ's.

Objective of Proposal: (what is the problem?)

With the implementation of IFQ's and the ability for commercial vessels to fish whenever they choose between March 15 and November 15, this new competition for the halibut in the same areas and at the same time fish are being harvested by Sportfishermen is causing conflicts on traditional sportsfishing grounds and potential localized stock depletion.

Need and Justification for Commission Action: (Why can't the problem be resolved through other channels?)

The International Pacific Halibut Commission is the management body authorized to make area closures affecting the Alaskan halibut fisheries.

Halibut Management Proposal International Pacific Halibut Commission

12/14/96

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Proposed by:

**Valdez Charter Boat Association
P.O. Box 2850
Valdez, Alaska 99686
Contact ph. # 907- 479-5562**

What Will Happen if Nothing is Done?

Localized stock depletion and unnecessary user group conflicts.

Who is Likely to Benefit?

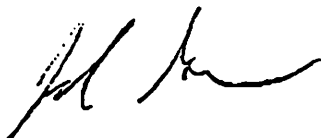
The small boat fleet and the Sportfishermen will once more have a reasonable opportunity to harvest fish.

Who is Likely to Suffer?

No one. The larger vessels typically have larger IFQ's and fish where the abundance of fish is greater.

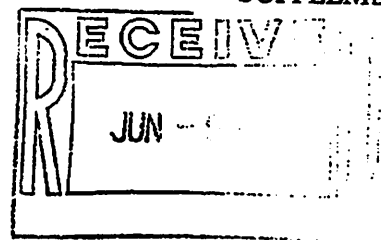
Other Solutions Considered:

None.



**John Goodhand, President
Valdez Charter Boat Association**

Emil W. Berikoff
P.O. Box 81
Unalaska, Alaska 99685



Clarence G. Pautzke
Executive Director
North Pacific Fisheries Management Council
605 West 4th Avenue Suite 306
Anchorage, Alaska 99501-2252

Dear Mr. Pautzke:

A group of Commercial Fishermen, Sport Fishermen, Tribal Members, and Charter Operators met on May 25th and on June 1, 1997 and agreed to the following for Unalaska Bay Halibut Subsistence Plan.

We presented this plan to the Qawalagin Tribe of Unalaska, They are the Federally recognized Tribe of Unalaska and have their support (letter attached), We also presented it to the City Council of Unalaska, hopefully they will send a representative to the Kodiak meeting to testify.

Thank you for allowing us to comment and provide you with our suggestions on Halibut Subsistence, a very important issue to many people throughout the State.

Sincerely,


Emil W. Berikoff

UNALASKA BAY

HALIBUT SUBSISTENCE

A Local group of Halibut Commercial Fishermen, Subsistence Fishermen, Sport Fishermen, Tribal Members, and Charter Boat Operators, met at the Parks, Culture and Recreation Facility on May 25th and June 1, 1997 and support the following.

1. Recommend that Option #7 be implemented and given the highest priority, this will give each and every Community the control over it's own Subsistence Fishing, since we all realize that each area of the State is uniquely different.

A. Close Unalaska Bay to Commercial Fishing and Guided Charters.
(Constantine Bay to Cascades) see map.

Option #7 Develop Cooperative agreements with Tribal, State, and Federal Governments to Collect, monitor, and enforce subsistence harvests and develop local area halibut subsistence use plans in coastal communities.

If the above is not adopted then we will recommend the following

2. Recommend Option #7 for Unalaska

A. Close Unalaska Bay to Commercial and Guided Sport
(Constantine Bay to Cascades) see map.

3. Adopt Alternate #2 -allow the harvest of halibut for subsistence.
option 1. define subsistence.

long-term customary shall be.

a. must maintain a permanent place of residence
the prior twelve (12) consecutive months in the
community they are subsiding in to qualify to fish
halibut subsistence.

4. Option #2

Combine suboptions B & C

suboption B. Alaska rural residents as defined in ANILCA and identified in the table entitled "Alaska Rural Places and Native Groups with subsistence Halibut uses", and will also include other Communities for which customary and Traditional findings are developed in the future.

suboption C. Tribal members and other permanent residents of Native Villages who have a legitimate subsistence need.

Option #3 define legal gear.

~~suboption A. Red and reel gear~~

suboption B Hook and line gear (including set and hand-held gear) with a range of:

2. 10 hooks

suboption C. Allow Tribal Governments to contract with NMFS to register designated fishermen to fish for the Community using:

1. 1-3 skates of gear, up to 60 hooks each.

~~2. any type of gear.~~

Option #4. define minimum size

suboption A. no minimum size be imposed for subsistence harvests of halibut

Option #5 Allow the customary and Traditional trade of subsistence caught halibut.

~~suboption A. prohibit the customary and traditional trade of subsistence halibut.~~

~~suboption B. allow the customary and traditional trade of subsistence caught halibut~~

~~limited to:~~

~~(i) an annual amount of:~~

~~1. \$200.~~

~~2. \$400.~~

~~3. \$600.~~

adopt (ii) and exchanges with:

1. other Alaska Tribes
2. any Alaskan rural resident

delete ~~3. any Alaskan resident~~

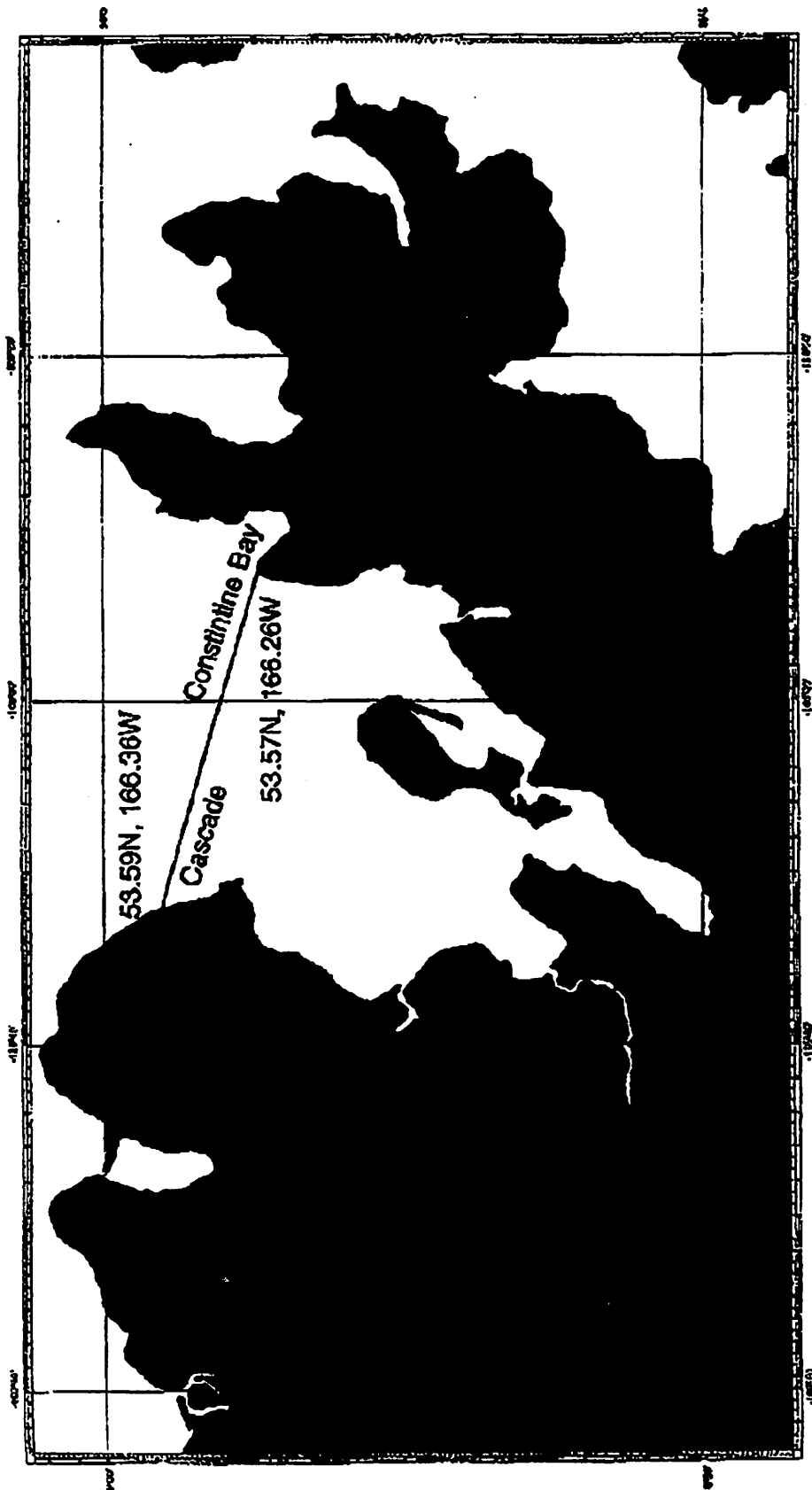
~~4. anyone.~~

Option #6. define daily bag limit of between 2-20 halibut.

1. daily bag limit of 5 halibut
2. yearly/ seasonal limit of 20 halibut per household.

Option #7 highly recommend that this option be adopted for the State of Alaska and also for the community of Unalaska.

Alternative #3 we recommend that this be deleted in it's entirety.



UNALASKA BAY



QAWALANGIN

Tribe of Unalaska

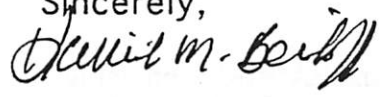
Clarence G. Pautzke
Executive Director
North Pacific Fisheries Management Council
605 West 4th Avenue Suite 306
Anchorage, Alaska 99501-2252

Dear Mr. Pautzke,

The Qawalangin Tribe of Unalaska is in support of the Halibut Subsistence plan for Unalaska Bay. The Tribe has Subsistence Fishing as one of it's highest priorities, it has been a way of life for our people for thousands of years, and expect that the practice will continue.

We would also urge that the Council will look favorably at option #7, so each Community can write their own guidelines for their Subsistence Halibut Fishery.

We would like to express our appreciation to the Council for dealing with the issue of Subsistence Halibut, something that the State of Alaska refuses to deal with. Thank You very much.

Sincerely,


Harriet M. Berikoff
President



FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL

North Pacific Fishery Management Council

Name of Proposer: Robert Ward

Date: August 5, 1997

Address: P. O. Box 631

Anchor Point, AK. 99556

Telephone: (907) 235-7014



Fishery Management Plan: Halibut IFQ Management

Brief Statement of Proposal

It is proposed that A, B, C, class IFQ vessels be prohibited from fishing in nearshore (or State) waters during the months of May, June, July, and August to provide some fishing pressure relief on nearshore Halibut stocks as well as State managed Rockfish stocks. All vessels would be permitted to fish in all waters outside of this prohibition, but would be prohibited during these months only thus allowing the other user groups (D class IFQ vessels, Subsistence, Non-Guided Recreational, Guided Recreational users) access to the nearshore stocks.

Objectives of Proposal

The current IFQ plan and the current Charterboat issue does nothing but continue the status quo of nearshore fishing pressures and in order to correct the excessive fishing pressure something must be done to eliminate some of the pressure in nearshore waters. The D class IFQ vessels, Subsistence, Non-Guided Recreational, Guided Recreational users are not able to access the Traditional Halibut Longliner fishing grounds and have always fished the nearshore waters, but now the larger IFQ vessels are fishing the same nearshore waters with nearshore stock depletion occurring as a result. To eliminate the major user group pressure from these waters would bring about the greatest fishing pressure relief. Outside of the traditional Subsistence, Non-Guided Recreational, Guided Recreational season the IFQ vessels can fish in the nearshore waters and not contribute to this user group conflict as well.

Justification for Council Action

The North Pacific Fishery Management Council is the proper body to address this user group conflict as well as provide a remedy for the nearshore depletion as discussed in the Charterboat and the Subsistence issues now before the council. The Council implemented the IFQ program without knowledge of this conflict and now something should be done to minimize it.

Foreseeable Impacts of Proposal

There should be very little impact to the IFQ vessels affected due to the prosecution of previous "Derby" openers of only a day or two in the May, June, July, August season as in years past and their "traditional" fishing grounds were always those areas where more abundant stocks were available. The IFQ fishery plan has caused those Longliners to fish nearer to home and has caused this conflict. The IFQ fishery should be prosecuted in the "Traditional" fishing grounds as before.

Possible Alternative Solutions

There is no other way to lessen the nearshore fishing pressure without moving some or all of the other user groups out of nearshore waters.

Supportive Data and Other Information

All supportive data is contained in the various discussion papers and EA/RIR's pertaining to the Halibut Charterboat issue, Subsistence issue and the Sitka Sound Halibut Management Plan issue. NMFS can provide the changing fishing practices by area for the IFQ fishery, the State of Alaska can provide the Subsistence, Non-Guided Recreational and Guided Recreational fishing practices by area.

Signature: 



To: Clarence Pautzke, Executive Director, NPFMC

From: *Robert D. Schell*
Robert D. Schell, F/V Alice Faye

Subject: Sitka Sound Local Halibut Management Plan

Date: September 9, 1997

I am a commercial long liner, a commercial salmon troller and a sports fisherman. I am a member of ALFA, Alaska Trollers Association and a life member of the Sitka Sportsman Association.

At no time during the discussions of creating a local management area for Sitka was there a communication from any of these associations to their membership asking for input into the proposal now before the council. It is my perception that the proposal before you was from a small group perspective, and not from the affected parties as a whole.

There is no doubt that halibut have been difficult to come by in the traditional areas around Sitka since the charter fleet has grown. The main problem and saturation of the local halibut holes has come primarily from the four hour charters off the cruise ships. There is not enough time for these boats to travel very far from Sitka and still provide a fishing experience for their clients. Excluding these charters from the recommended area for halibut fishing puts that pressure on other stocks. Ling cod, yellow eye, quill backs and pelagic stocks have all suffered in this same area. These stocks are less migratory than halibut and can stand the increased pressure less than the halibut stocks.

The council needs to follow the dictates of science when promulgating regulations. The science provided by the IPHC does not indicate that special use areas should be set up to protect stocks.

As a troller with quota share, I envision a problem with having a closed area that encompasses a troll drag that overlaps an open and closed area for halibut. The 50 fathom curve from St. Lazaria out to several miles past Cape Edgecumbe had over 100 boats fishing it during the last two king salmon openings this summer. This drag also provided a high by-catch of halibut. Since trollers pass in and out of the proposed closure zone they would be excluded from keeping this by-catch or risk being in violation when trolling inside the zone with halibut on board from the outside zone. In one case they are required to keep halibut by-catch as long as quota is available and in the other would be in violation for having halibut while fishing in a closed zone.

During the winter months the troll fishery is restricted to the area inside the proposed zone. Presently there is troll halibut by-catch in this area. The proposal before you would preclude trollers from this catch. In the period when halibut is open during the winter months, this by-catch can be the difference between loss and profit.

If some type of local use area is adopted, the line in Sitka Sound should be the same as the winter troll line and should be the same for all user groups. The winter troll line runs from Cape Edgecumbe to Ft. Woodhouse. One line provides difficulties for enforcement. Three would be a nightmare.

Secondly, any closed area needs to provide for all Alaskans not on a guided sports boat for hire. Setting up exclusive areas for communities is a bad precedent and would result in a patchwork of open and closed zones throughout Alaska that would have no impact on stocks but a tremendous impact on the meager enforcement dollars if the areas were to be monitored for violations. There would also be a tremendous impact on the freedom of all Alaskans to the right to harvest the fish and game stocks of Alaska.

The status quo is the best alternative you have before you at this time.

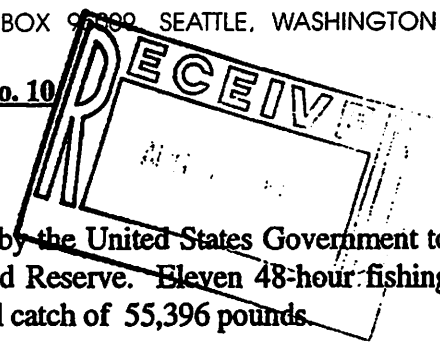
News Release

AGENDA C-4
SEPTEMBER 1997
SUPPLEMENTAL

August 14, 1997

P.O. BOX 9200 SEATTLE, WASHINGTON 98145-2009

1997 Halibut Landing Report No. 10



Annette Island Reserve Fishery in Area 2C

The Metlakatla Indian community has been authorized by the United States Government to conduct a commercial halibut fishery within the Annette Island Reserve. Eleven 48-hour fishing periods occurred between May 2 and August 3, producing a total catch of 55,396 pounds.

Quota Share Commercial Fishery Update

It is estimated that the following catches and number of landings were made in the British Columbia IVQ, and in the Alaskan IFQ/CDQ fisheries through August 11, 1997.

Area	Catch Limit (000's pounds)	Catch (000's pounds)	Number of Landings
2B	12,500	8,321	749
2C	10,000	6,974	2,299
3A	25,000	15,050	2,033
3B	9,000	4,933	380
4A	2,940	2,018	195
4B	3,480	1,951	211
4C	1,160	970	535
4D	1,160	763	137
4E	260	241	1,243
Total	65,500	41,221	7,782

For comparison, from March 15 to August 14, 1996, 24.2 million pounds were landed in the Alaskan IFQ and CDQ fisheries which represented 63% of the total 1996 catch limit. For approximately the same period last year 71% or 6.7 million pounds were landed in Area 2B (British Columbia) compared to 67% in 1997.

- END -

Donald A. McCaughran, Director
Phone: (206) 634-1838



KAKE
TRIBAL CORPORATION

September 2, 1997

Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage AK 99501-2252

Re: Objection to changing the boundaries of area 3A or quota by-catches of Area (3b)

Dear Mr. Lauber:

The Kake Tribal Corporation and Yak-Tat Kwaan, Inc., Native Corporations object to any changes to the boundaries of Area (3A) or to allowing only by-catch quotas for Area (3b).

1. There is no biological benefit to such changes
2. There are no halibut or other species enhancement or preservation reasons for changes.
3. There is no International or National economic reason for such changes.

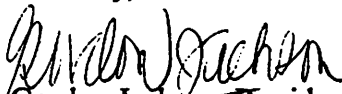
We view such considerations as pure political by the large Kodiak and out of state boats that fish area (3b).

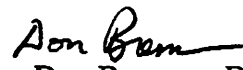
Halibut and blackcod have grown and are being preserved under a system that is working. There is no reason to increase the area (3b) boundaries.

We will take all measures legally with our rights to present their senseless meddling with the existing area management boundaries. We ask that you reject the proposal by the Kodiak fishermen.

Please contact Gordon Jackson at (907) 790-2214 and Don Bremner at (907) 784-3488 for any questions that you may have.

Sincerely,


Gordon Jackson, President/CEO
Kake Tribal Corporation


Don Bremner, Director
Yak-Tat Kwaan, Inc.

cc: Governor Tony Knowles
State of Alaska

Robert Loescher, CEO
Sealaska Corporation

James Thomas, President
Yak-Tat Kwaan, Inc.

Representative Albert Kookesh
Senator Jerry Mackie